

REMARKS

The specification is amended to move the designated paragraphs describing Fig. 1 to the Background of the Invention.

Claim 1 is amended to more particularly point out that the arm of the spring holds the lever in the first position and concurrently biases the lever toward the second position. Claims 2 and 3 are amended to affirmatively recite that the lever includes a notch.

Objection to Specification

An objection was made to the specification in that description of the prior art in Fig. 1 should be included in the Background of the Invention. The specification has been amended to move the paragraphs discussing Fig. 1 to the Background section. Therefore, it is requested that the objection be withdrawn.

Claim Rejection over Applicants' Admitted Prior Art

Claims 1 and 2 were rejected under 35 U.S.C. § 102(a) as anticipated by the prior art shown in Fig. 1 of the application.

Referring to Fig. 1, and to the discussion originally presented in paragraphs 0012, 0013, and 0014, there is shown a prior art lever system 10 in which lever 12 is biased by spring 16 and pivots between an up position U against stop 23 and a down position D against stop 24. In between is a neutral center position N. When moving to the up

position, the spring biases the lever from the neutral position toward the up position. Moreover, the bias is continued in the same direction, i.e., toward the first position, when the lever is in the up position. Similarly, the spring biases the lever in the down position when the lever is in the down position. In contrast, in the present invention, when the lever is in the first position, the spring biases the lever towards the second position. This is contrary to the prior art, which holds the lever in the first position by biasing toward the first position, not the second position.

Claim 1 is directed to Applicants' two position lever system wherein the lever pivots from a first position to a second position. In accordance with the claim, the system comprises an arm that holds the lever in the first position while biasing the lever toward the second position. The prior art in Fig. 1 holds the lever in the up position by biasing the lever toward the up position, and holds the lever in the down position by biasing the lever toward the down position. Thus, Fig. 1 does not anticipate Applicants' claim 1.

Claim 2 is directed to Applicants' two position lever system and also calls for a spring arm that holds the lever in the first position while biasing the lever toward the second position, similar to claim 1. For the reasons above, Fig. 1 does not anticipate claim 2.

Therefore, it is respectfully requested that the rejection of the claims based upon the prior art shown in Fig. 1 be reconsidered and withdrawn, and that the claims be allowed.

Claim Rejection over Lautenschlager, Jr. et al.

Claims 1-7 were rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,894,884, issued to Lautenschlager, Jr. et al. in 1990.

Lautenschlager, Jr. et al. shows a hinge for a cabinet door that includes a cam 30 and a spring 34. Cam 30 pivots about pin 40, col. 3, line 48, and includes a cam edge 32 that includes sections 32a and 32b, col. 3, lines 57-58, which are cam surfaces. Attention is directed to the relationship between pin 40 and hinge pin 26. In the closed position shown in Fig. 1, pin 40 is left of an imaginary vertical plane through pin 26, and the spring engages cam surface 32b and biases the cam toward the left, i.e., into the closed position. In the open position in Fig. 2, the cam moves such that pin 40 is in the vertical plane with pin 2, and the spring engages cam surface 32a and biases the cam toward the right, i.e., into the open position. In between, although not shown, there is a position wherein the spring is compressed to allow the cam to move from the open position to the closed position. Thus, the system in Lautenschlager, Jr. et al. is similar to the prior art in Fig. 1 of the application, in that the initial movement of the cam compresses the spring to the neutral position; whereafter the bias is directed toward urging the cam into the new position. In contrast, Applicants' system holds the lever in the first position while biasing the lever toward the second position. Lautenschlager, Jr. et al. does not hold the cam in the open position by applying bias in the direction of the closed position, or hold the cam

in the closed position with bias toward the open position. Thus, Lautenschlager, Jr. et al. does not anticipate or suggest Applicants' invention.

Claim 1 is directed to Applicants' two position, spring biased lever system that includes, as main elements, a lever and a spring. The lever pivots between a first position and a second position. The spring has an arm that engages the lever to hold the lever in the first position while biasing the lever toward the second position. Lautenschlager, Jr. et al. does not show a lever, but rather has a cam. More significantly, in Lautenschlager, Jr. et al., when the cam is in the open position, the bias applied by the spring is not in the direction of the cam when in the closed position. Similarly, the bias to hold the cam closed is not in the open direction. Thus, Lautenschlager, Jr. et al. does not apply the bias in a direction other than toward the desired position, and so does not teach or suggest Applicants' system in claim 1.

Claim 2 is also directed to Applicants' lever system that includes a lever and a spring. As called for in the claim, the lever includes a notch that is engaged by the spring arm. There is no notch in the cam surfaces in Lautenschlager, Jr. et al. Moreover, the claim calls for the spring to hold the lever in the first position while biasing the lever toward the second position, similar to claim 1 and distinguishable from Lautenschlager, Jr. et al. for the reason above. Therefore, Lautenschlager, Jr. et al. does not teach or suggest the system in Applicants' claim 2.

Claim 3 is directed to Applicants' system similar to claims 1 and 2 and recites

additional features preferred in the practice of Applicants' invention. The lever in claim 3 includes a notch, in contrast to Lautenschlager, Jr. et al. Moreover, the claim calls for a torsion spring that holds the lever in the first position when the distal end is in the notch while biasing the lever toward the second position. Lautenschlager, Jr. et al. holds the cam in position, whether open or closed, by biasing the cam toward the desired position and away from the other position. Therefore, Lautenschlager, Jr. et al. does not teach or suggest Applicants' claim 3.

Claims 4-7 are dependent upon claim 3 and so not taught or suggested by Lautenschlager, Jr. et al. at least for the reasons set forth with regard to that claim.

Accordingly, it is respectfully requested that the rejection of the claims based upon Lautenschlager, Jr. et al. be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Douglas D. Fekete", is written over a horizontal line.

Douglas D. Fekete

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